

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  MIDAMERICAN ENERGY COMPANY	DOCKET NO. RPU-02-2
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**ORDER GRANTING INTERVENTIONS**

(Issued May 17, 2002)

On March 15, 2002, MidAmerican Energy Company (MidAmerican) filed with the Utilities Board (Board) proposed tariffs, identified as Docket Nos. TF-02-115 and TF-02-116. In TF-02-115, MidAmerican is proposing a temporary increase that would produce additional revenue of approximately \$20.4 million. In TF-02-116, MidAmerican is proposing a permanent annual revenue increase of approximately \$26.6 million, or an overall annual revenue increase of 4.3 percent. This represents an average increase of 8.4 percent for residential customers on MidAmerican's East System and an average increase of 4.6 percent on MidAmerican's West System

The Board issued an order on April 3, 2002, in Docket No. RPU-02-2, docketing the proposed tariffs, establishing a procedural schedule, setting a date for interventions, and scheduling customer comment hearings. Timely petitions to intervene have been filed by Local Union No. 109, International Brotherhood of Electrical Workers, AFL-CIO (Local 109), Interstate Power and Light Company (Interstate Power), Tyson Foods, Inc. (Tyson), Northern Natural Gas Company

(NNG), Archer Daniels Midland Company (ADM), Ag Processing Inc., a cooperative (AGP), Deere & Company (Deere), and Keith Meyer.

In conjunction with the application to intervene for Local 109, Stacey A. Aschemann filed an application for admission of an out-of-state attorney to appear before the Board. The application indicates that Stacey A. Aschemann is a member in good standing to practice law in Illinois and Missouri. The appearance of Mark T. Hedberg, Jr., was filed as the Iowa attorney who will accept service on behalf of Local 109. The Board will grant Stacey A. Aschemann permission to appear in this docket.

In conjunction with the petitions to intervene of Tyson and ADM, Stuart W. Conrad filed for permission to appear on behalf of the two companies. The application indicates that Stuart W. Conrad is a member in good standing to practice law in Missouri. The appearance of Todd A. Elverson was filed as the Iowa attorney who will accept service for Tyson and ADM. The Board will grant Stuart W. Conrad permission to appear in this docket.

No objections were filed to the petitions to intervene of Tyson, NNG, AGP, Deere, ADM, or Local 109. The Board finds that these parties meet the requirements of 199 IAC 7.2(7)"d" and will be granted intervention in this docket.

The Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed an objection to the petition to intervene of Interstate Power. Consumer Advocate contends that Interstate Power's petition is deficient in that it does not address the factors required by 199 IAC 7.2(7)"d"(2). On April 26, 2002,

Interstate Power filed an amended and restated petition to intervene. The Board finds that Interstate Power has demonstrated that it has a sufficient interest in this proceeding as a customer of MidAmerican to be granted intervention.

MidAmerican filed an objection to the petition to intervene of Keith Meyer. MidAmerican asserts that Mr. Meyer has not demonstrated that he has a unique interest in this proceeding to meet the requirements of intervention of right and has not satisfied the five criteria for permissive intervention.

On March 25, 2002, Mr. Meyer filed a response to MidAmerican's resistance. In the response, Mr. Meyer states that he is a customer of MidAmerican and that is sufficient to meet the requirement as a petitioner of right. Mr. Meyer requests the Board "scold" MidAmerican for referring to him as merely a customer. Mr. Meyer then recites a nursery rhyme about "Simple Simon" and states that Consumer Advocate does not represent individual customers as suggested by MidAmerican.

The Board finds that the position of Mr. Meyer as a customer does not necessarily meet the requirements of 199 IAC 7.2(7)"d"(1) for intervention of right. The Board finds that customers, except in certain unique circumstances, fall under the provisions of 199 IAC 7.2(7)"d"(2) for permissive intervention. The Board usually grants customers intervention under the provisions of this subparagraph.

The Board though retains the discretion to deny intervention in those instances where in its judgment the petitioner may be disruptive and not understand the serious nature of the proceedings. The Board has considered the responsive pleading filed by Mr. Meyer and finds that the suggestions of "scolding" MidAmerican and reciting

of a nursery rhyme may reflect that Mr. Meyer does not understand or fully appreciate the requirements of participating in a ratemaking proceeding. In this instance, the Board will assume that Mr. Meyer was being supercilious to make a point and the pleading does not reflect how he will conduct himself during the proceeding. Mr. Meyer though will be held to the same standard as other parties and permission to intervene will be withdrawn if it appears from his conduct that he will disrupt the proceedings.

**IT IS THEREFORE ORDERED:**

Intervention in this proceeding is granted to Local Union No. 109, International Brotherhood of Electrical Workers, AFL-CIO; Interstate Power and Light Company; Tyson Foods, Inc.; Northern Natural Gas Company; Archer Daniels Midland Company; Ag Processing Inc a cooperative; Deere & Company; and Keith Meyer.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17<sup>th</sup> day of May, 2002.